


## PATENT COOPERATION TREATY

PCT

REC'D 10 FEB 2005

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

|   |  |  |  |                       |
|---|--|--|--|-----------------------|
| Applicant's or agent's file reference<br>B06-262-01   |  | <b>FOR FURTHER ACTION</b>  |  | See Form PCT/IPEA/416 |
| International application No.<br>PCT/IE2004/000007  |  | International filing date (day/month/year)<br>22.01.2004                     | Priority date (day/month/year)<br>22.01.2003 |                       |
| International Patent Classification (IPC) or national classification and IPC<br>G07F19/00   |  |  |  |                       |
| Applicant<br>VALISTA LIMITED et al.   |  |  |  |                       |
| <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> sent to the applicant and to the International Bureau) a total of sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> |  |  |  |                       |
| <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>  |  |  |  |                       |
| Date of submission of the demand<br><br>19.08.2004  |  | Date of completion of this report<br><br>09.02.2005                          |  |                       |
| Name and mailing address of the International preliminary examining authority:<br> European Patent Office<br>D-80298 Munich<br>Tel. +49 89 2399 - 0 Tx: 523656 epmu d<br>Fax: +49 89 2399 - 4465   |  | Authorized Officer<br><br>Mülthaler, E<br><br>Telephone No. +49 89 2399-7625 |  |                       |



**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

International application No.  
PCT/E2004/000007

**Box No. I Basis of the report**

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

**Description, Pages**

1-19 as originally filed

**Claims, Numbers**

1-23 as originally filed

**Drawings, Figures**

1/9-9/9 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
  - ☐ the claims, Nos.
  - ☐ the drawings, sheets/figs
  - ☐ the sequence listing (*specify*):
  - ☐ any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

|                               |             |       |
|-------------------------------|-------------|-------|
| Novelty (N)                   | Yes: Claims | 1-19  |
|                               | No: Claims  | 20-23 |
| Inventive step (IS)           | Yes: Claims |       |
|                               | No: Claims  | 1-23  |
| Industrial applicability (IA) | Yes: Claims | 1-23  |
|                               | No: Claims  |       |

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

Reference is made to the following documents:

D1: US 6 415 156 B1

D2: WO 02/46985 A2

The present application **does not meet the criteria of Article 33(1) PCT**, because the subject-matter of independent claim 20 is not new in the sense of Article 33(2) PCT, and the subject-matter of independent claims 1 and 18 does not involve an inventive step in the sense of Article 33(3) PCT.

**1. Independent claim 1:**

Document **D1** is regarded as being the closest prior art to the subject-matter of claim 1, and discloses (the references in parentheses applying to this document):

A method for cash payment for goods or services in a mobile commerce system:

- establishing a person/company's account (description: column 2 line 50-51) in a mobile commerce system, wherein said mobile commerce system includes a supplier's account (description: column 1 line 63-65);
- communicating a request for said goods or services from said person/company to a supplier using a communication device in said mobile commerce system (description: column 3 line 3-11);
- authenticating said person/company by said mobile commerce system (description: column 3 line 43-54);
- verifying said person/company's funds by said mobile commerce system (description: column 3 line 55-59);
- transferring value for said goods or services from said person/company's account to said supplier's account (description: column 4 line 1-8); and
- transferring access to said goods or services to said person/company (description: column 4 line 20-30).

The subject-matter of claim 1 differs from the method disclosed in D1 in that the

person/company is a distributor and that the value for said goods or services are paid from the end customer to the distributor. So the difference between the method disclosed in claim 1 and the method disclosed in D1 is that a middleman (the distributor) acts between the end customer and the supplier.

Please note, that from the point of view of the mobile communication system disclosed in the application and the technical parts defined by the application there is no difference between the role of a distributor and the role of a customer. Therefore, to interpose a middleman (distributor) or a network of middlemen (network of distributors) between the customer and the goods/service supplier does not solve a technical problem. Paying value from the customer to the distributor can be done without implying any technical considerations (e.g. transfer of cash).

The distinguishing features of claim 1 with regard to D1 do not solve any technical problem and do not imply technical considerations to implement them but only imply business considerations. Therefore, the subject-matter of independent claim 1 **does not involve an inventive step (Article 33(3) PCT)**.

**2. Independent claim 18:**

Document **D1** is regarded as being the closest prior art to the subject-matter of claim 18, and discloses (the references in parentheses applying to this document):

A mobile commerce network comprising:

- a mobile communication network (description: column 1 line 3-5; figure 1);
- a supplier having mobile communication capability over said mobile communication network (description: column 2 line 5-20; figure 1);
- a supplier's account addressable over said mobile communication network (description: column 1 line 50-65; figure 1);
- at least one person/company having mobile communication capability over said mobile communication network (description: column 2 line 5-20; figure 1);
- a person/company's account addressable over said mobile communication network (description: column 1 line 50-65; figure 1);
- wherein said supplier authenticates said person/company, verifies funds in said person/company's account, and transfer value to a person/company in response to request received from said person/company over said mobile communication network (description: column 3 line 41 - column 4 line 30).

The subject-matter of claim 18 differs from the network disclosed in D1 in that the value is transferred to a third person (the end customer). So the difference between the network disclosed in claim 18 and the network disclosed in D1 is that a middleman (the distributor) acts between the end customer and the supplier.

Please note, that from the point of view of the mobile communication system disclosed in the application and the technical parts defined by the application there is no difference between the role of a distributor and the role of a customer. Therefore, to interpose a middleman (distributor) or a network of middlemen (network of distributors) between the customer and the goods/service supplier does not solve a technical problem. Transferring value in response to a request received from the middleman (the distributor) to a third person (the end customer) can be done without implying any further technical considerations comparative to the case of transferring value in response to a request of the middleman to the middleman.

The distinguishing features of claim 18 with regard to D1 do not solve any technical problem and do not imply technical considerations to implement them, but only imply business considerations. Therefore, the subject-matter of independent claim 18 **does not involve an inventive step (Article 33(3) PCT)**.

**3. Independent claim 20:**

Document **D1** is regarded as being the closest prior art to the subject-matter of claim 20, and discloses (the references in parentheses applying to this document):

A cash based purchasing platform for creation of a mobile commerce network comprising:

- a mobile payments platform including a mobile stored value module (description: column 2 line 36-45; figure 1); and
- a service delivery platform configured for integration with said mobile payments platform (description: column 2 line 23-33; figure 1).

Therefore, the subject-matter of independent claim 20 is **not new (Article 33(2) PCT)**.

The attention of the applicant is drawn to the fact, that document D2 also discloses the subject-matter of independent claim 20 (description: page 9 line 19-22).

**4. Dependent claims 2-17, 19, 21-23:**

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Dependent claims 2-17, 19 and 21-23 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, see documents D1 and D2 and the corresponding passages cited in the search report.

The additional technical features of the dependent claims 2-12, 19 and 21-23 are disclosed in document D1 (description: column 2 - column 3, figure 1) and in document D2 (description: page 12 line 8 - page 15 line 21; figure 2).

The additional features of dependent claims 13-17 cannot be considered to have a technical character since they have a pure economical character and they do not solve any technical problem.

Therefore, the additional features of dependent claims 2-12 and 19 in combination with the features of the claims they refer (see argumentation referring to claim 1 and claim 18) **do not involve an inventive step (Article 33(2) PCT)** and therefore, the additional features of dependent claims 21-23 in combination with the features of claim 20 (see argumentation to claim 20) are **not new (Article 33(3) PCT)**.